PATENT
ATTORNEY DOCKET NO.: 041501-5437

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
Hong Bae PARK	)	Confirmation No.: 4657
Application No.: 09/894,903	)	Group Art Unit: 2879
Filed: June 29, 2001	)	Examiner: M. Santiago
For: FLAT LUMINESCENT LAMP AND METHOD FOR MANUFACTURING THE SAME	)	

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APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)(1)

Appellant filed a Notice of Appeal in the above-identified patent application on February 5, 2004, and filed an Appeal Brief on April 5, 2004. This Reply Brief responds to the arguments raised in the Examiner's Answer dated July 12, 2004. The period for filing this reply brief extends through September 13, 2004 (September 12, 2004 being a Sunday).

This brief is being transmitted in triplicate.

Summary of Examiner's Answer

Claims 1, 3, 4, 8, 9 and 11-15 remain subject to the rejection under 35 U.S.C. § 102(b) as being anticipated by Lynn et al. (WO 92/02947), claim 2 remains subject to the rejection under 35 U.S.C. § 103(a) as being unpatentable over Lynn et al. in view of Yamano et al. (U.S. Patent

No. 4,767,965), claims 5-7 remain subject to the rejection under 35 U.S.C. § 103(a) as being unpatentable over Lynn et al. in view of Go (JP 8-162069), claim 10 remains subject to the rejection under 35 U.S.C. § 103(a) as being unpatentable over Lynn et al. in view of Fukushima et al. (U.S. Patent No. 3,873,870), and claim 16 remains subject to under 35 U.S.C. § 103(a) as being unpatentable over Lynn et al. in view of Yamamoto et al. (U.S. Patent No. 5,341,231).

In the Examiner's Answer, the Examiner asserts that (1) the electrode substrates (155 and 156), as taught by Lynn et al., can be construed as frames structures; and (2) the electrodes (154), as taught by Lynn et al., can be construed as extending along discharge spaces.

Grouping of Claims

In light of the Examiner's Answer, Appellant group claim 15 along with claims 1-10, 12-14 and 16. Thus, in as far as presented herein, claims 1-10, and 12-16 stand or fall together, and claim 11 stands or falls by itself.

Appellant's Reply

As explained in Appellant's Appeal Brief which is incorporated by reference herein, and as explained in detail below, Appellant respectfully submits that the assertions made in the Examiner's Answer are improper.

Electrode Substrates (155 and 156) of Lynn et al. Are Not Frames Sealing Substrates

In the Examiner's Answer, the Examiner argues that the electrode substrates (155 and 156), as taught by Lynn et al., "can be construed as frames structures, since while providing a support for the electrodes they at least border and form part of the sealing arrangement between the upper and lower glass plates (155 and 156) along the peripheral sides of the glass plates, regardless of their shape and structure." Page 4, lines 4-8 of the Examiner's Answer. In other

words, the Examiner asserts that any element located near or along the peripheral of the glass plates is a part of the sealing arrangement regardless of its shape and structure. Appellant respectfully disagrees with the Examiner's assertion in this regard at least because such an assertion is contrary to Lynn et al.'s disclosure.

In contrast to the Examiner's assertions, Lynn et al. specifically discloses how the glass plates (136 and 138) are sealed. First, Lynn et al. discloses at page 11, lines 1-5, that "FIGS. 7 and 8 show...**top glass plate 132 and bottom glass plate 134** which **are** mounted together and **sealed about their peripheral edges 136 and 138**." (emphasis added) In addition, Lynn et al. further discloses, at page 12, lines 4-7, that "[a] small spacing, not shown, is provided along the periphery of the plates to facilitate forming a vacuum tight seal. **A suitable glass frit, not shown, is glazed in the peripheral spacing to seal the edges of the envelope**." (emphasis added) That is, Lynn et al. teaches glazing glass frit along the edges (136 and 138) to seal the glass plates (132 and 134).

On the other hand, Lynn et al. discloses, at page 12, lines 8-10, that "[s]uitable electrodes 154 mounted on a pair of **electrode substrates 155 and 156 are inserted at opposite ends of the cavities before the plates are sealed**." (emphasis added) As a result, as shown in FIG. 7 of Lynn et al., the electrode substrates (155 and 156) of Lynn et al. are sandwiched between the glass plates (132 and 134), which are held by the glass frit seal along the edges (136 and 138). Thus, Appellant respectfully submits that the electrode substrates (155 and 156) of Lynn et al. do not seal the glass plates (132 and 134) and should not be constructed as frames sealing the glass plates (132 and 134), as asserted by the Examiner's Answer.

The claimed combination, as recited in independent claim 1, includes first and second

substrates attached to each other at a plurality of adhesive portions and sealed by first and second frames. As discussed, for example, at paragraph [0064] of the original disclosure, such a combination is advantageous in having minimal parts and having low manufacturing cost.

Accordingly, with respect to independent claim 1, Appellant respectfully submits that Lynn et al. fails to teach or suggest the claimed combination as set forth in independent claim 1 including at least "first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions," "first and second electrodes arranged in the discharge spaces to be separated from each other," and "first and second frames sealing the first and second substrates."

Appellant respectfully asserts that the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn because the applied art does not teach or suggest each feature of independent claim 1. Furthermore, Appellant respectfully asserts that dependent claims 2-10, 12-16 are allowable at least because of their dependence from independent claim 1 and the cited secondary references do not remedy the deficiencies of Lynn et al. as discussed above.

Electrodes (154) of Lynn et al. Are Not Formed Along the Discharge Spaces

In the Examiner's Answer, the Examiner argues that the electrodes (154), as taught by Lynn et al., are "along, i.e., at locations in a line or course parallel and close to, the discharge space." Page 4, lines 11-14 of the Examiner's Answer. In other words, the Examiner asserts that the electrodes (154), shown in Fig. 7 of Lynn et al., are in a line parallel to the cavity (150 or 152). Appellant respectfully disagrees with the Examiner's assertion in this regard at least because such an assertion is contrary to Lynn et al.'s disclosure.

In contrast to the Examiner's assertions, Lynn et al. specifically discloses at page 11,

lines 17-18, that "**elongate, parallel cavities 150, 152** are formed between the two plates." (emphasis added) and at page 12, lines 8-10, that "[s]uitable **electrodes 154** mounted on a pair of electrode substrates 155 and 156 **are inserted at opposite ends of the cavities**." (emphasis added) As a result, as shown in Fig. 7 of Lynn et al., the electrodes (154) are at the ends of the cavities (150, 152), not along the elongate cavities (150, 152).

Accordingly, with respect to claim 11, Appellant respectfully submits that Lynn et al. further fails to teach or suggest the claimed combination as set forth in claim 11 including "first and second substrates having a plurality of grooves formed therein and attached to each other at a plurality of adhesive portions," "first and second electrodes arranged in the discharge spaces to be separated from each other," "first and second frames sealing the first and second substrates," and "wherein the first and second electrodes are formed along the discharge spaces." Appellant respectfully asserts that the rejection of claim 11 under 35 U.S.C. § 102(b) should be withdrawn because the applied art does not teach or suggest each feature of claim 11.

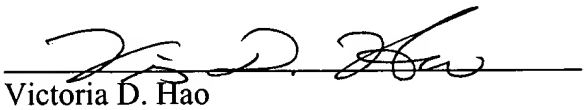
Conclusion

In view of the foregoing, Appellant respectfully requests the reversal of the Examiner's rejections and the allowance of the pending claims. If there are any other fees due in connection with the filing of this Appellant's Reply Brief, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
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